

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

BRANDON CHE LEE,

Plaintiff,

v.

UNKNOWN,

Defendant.

) **NO. CV 18-9828-DMG (KS)**

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ORDER AND JUDGMENT OF DISMISSAL


On November 21, 2018, Plaintiff, a federal prisoner proceeding *pro se*, filed a “criminal complaint.” (Dkt. No. 1.) The complaint does not identify the relief Plaintiff seeks or the laws or constitutional provisions that Plaintiff believes have been violated but, rather, asserts that multiple inmates and prison staff “rubbed” or “fumbled” their genitalia in front of Plaintiff at different times and in seemingly unrelated incidents. (*See generally id.*) As such, the complaint violates Rule 8 of the Federal Rules of Civil Procedure and is subject to dismissal for failure to state a claim upon which relief can be granted. *See* FED. R. CIV. P. 8; *United States ex rel. Cafasso v. Gen. Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1059 (9th Cir. 2011) (complaint violates Rules 8 if a defendant would have difficulty understanding and responding to it); *see also* 28 U.S.C. § 1915A(b) (Congress requires district courts to dismiss civil rights

1 complaints brought by prisoners if the court determines that the complaint, or any portion
2 thereof, fails to state a claim upon which relief can be granted).

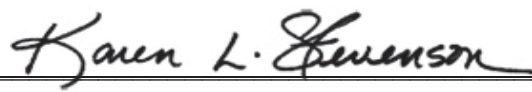
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4 Also on November 21, 2018, the Court notified Plaintiff that he had failed to pay the
5 filing fee and had not filed a request to proceed *in forma pauperis*. (Dkt. No. 2.) On January
6 23, 2019, after more than two months had passed and Plaintiff had not responded to the Court's
7 notification, the Court ordered Plaintiff to show cause, no later than February 6, 2019, why
8 the action should not be dismissed for failure to pay the filing fee or obtain authorization to
9 proceed without prepayment of the fee.

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11 More than 30 days have now passed since the Court issued its January 23, 2019 Order,
12 and more than two weeks have passed since Plaintiff's deadline for paying the filing fee or
13 filing a request to proceed without prepayment of the fee. To date, Plaintiff has neither paid
14 the filing fee nor requested to proceed *in forma pauperis*. In light of the foregoing, IT IS
15 HEREBY ORDERED AND ADJUDGED that this action is DISMISSED.

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17 DATED: March 5, 2019

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19 DOLLY M. GEE
20 UNITED STATES DISTRICT JUDGE

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22 Presented by:

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25 KAREN L. STEVENSON
26 UNITED STATES MAGISTRATE JUDGE
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